

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1765 of 2000
with
CIVIL APPLICATION NO.3557 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAJU TAPU

Versus

MUNICIPAL COMMISSIONER THROUGH MUNICIPAL COMMISSIONER

Appearance:

MR VB GHARANIYA for Petitioner

MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 23/01/2001

ORAL JUDGEMENT

Rule. Service of rule is waived by Shri
H.S.Munsha.

2. The petitioners are daily wagger labourers working under the respondents. It has been submitted in the petition that upon completion of 900 days of service in five consecutive years the petitioners have become entitled to regular appointment and, therefore, they should be given regular appointment.

3. In pursuance of notice issued by this Court, learned Advocate Mr.Munsha has appeared for the respondents and has also filed affidavit-in-reply of Shri J.D.Parmar, City Engineer of Ahmedabad Municipal Corporation. It has been submitted in the said affidavit in reply that petitioners Nos 1 to 13 and 16 have completed 900 days of service in five consecutive years and, therefore, in pursuance of the policy of the Corporation, the said petitioners will have to be given regular appointment in due course. It has been submitted by the learned advocate that a list of persons, who have completed 900 days of service as daily wagers in five consecutive years, has been prepared by the respondents and in the order of seniority, the concerned daily wagers are to be given regular appointments. It has also been submitted by Shri Munsha that as and when petitioners Nos 1 to 13 and 16 will become due for appointment as regular workers, they shall be appointed as regular workers. So far as petitioners Nos 14 & 15 are concerned, it has been submitted that they have not completed 900 days of service as daily wagers in five consecutive years till today and, therefore, as per the policy of the respondents, the said two petitioners are not eligible to be appointed as regular workers.

4. In view of the fact that the respondents have admitted that petitioners Nos 1 to 13 and 16 have become eligible for appointment as regular workers and as they have to be appointed as regular workers in due course as per the policy followed by the respondents, it is directed that as per the policy followed by the respondents, as and when the said petitioners become eligible for appointment as regular workers, they shall be appointed as regular workers.

5. In the circumstances, the petition is partly allowed and rule is made absolute to the aforesaid extent with no order as to costs.

6. As far as Civil Application No.3557/2000 is concerned, in the said application the applicants have prayed that they should be provided some work during the pendency of the Special Civil Application No.1765/2000. In pursuance of the notice issued by this Court, learned

advocate Mr.Munsha has appeared and has submitted that as per normal practice, as and when there is work for daily wagers, senior most daily wagers are provided work.

7. In view of the above statement made by Mr.Munsha and in view of the fact that the main special civil application is disposed of, this civil application does not survive and therefore the Civil Application is disposed of accordingly. Notice is discharged. There shall be no order as to costs.

23.1.2001 (A.R.DAVE, J)